

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Chad Bernard Cummings

Docket No. 5:10-CR-161-2F

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Chad Bernard Cummings, who, upon an earlier plea of guilty to 18 U.S.C. § 371, Conspiracy to Receive, Conceal, or Possess Stolen Mail, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 2, 2010, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court.

On November 7, 2011, the defendant was resentenced by the Honorable James C. Fox, Senior U.S. District Court Judge to time served and the following additional conditions were added:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
6. The defendant shall pay restitution in the amount of \$14,095.28.

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Chad Bernard Cummings was released from custody on November 8, 2011, at which time the term of supervised release commenced. On December 16, 2011, the court modified his conditions to include 24 hours of community service as a result of a new criminal charge, misdemeanor larceny.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 26, 2012, Cummings moved without permission to a residence that is not appropriate for supervision. On January 30, 2012, he reported to the U. S. Probation Office and smelled of alcohol. The defendant admitted to drinking alcohol the night before, despite being in substance abuse counseling and expected to remain clean and sober. Cummings has made minimal effort to seek employment and has not begun his community service hours that were ordered in December. As a result of all of the these poor decisions, we are recommending modifying his supervision conditions to include a 90-day placement in the Residential Reentry Center in Raleigh and that he participate in a cognitive behavioral program which will assist him with improving his decision making skills. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall undergo placement in a residential reentry center for a period of 90 days as arranged by the probation office and shall abide by the conditions of that program during said placement.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: January 31, 2012

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ORDER OF COURT

Considered and ordered this 31st day of January, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox

James C. Fox
Senior U.S. District Judge